

**SOUTH DAKOTA DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS**

**DakotAbilities  
Continuous Improvement Monitoring Process Report 2004**

**OSE Reviewer:** Angie Boddicker, Education Program Representative, Special Education Programs

**Date of On Site Visit:** March 10, 2004

**Date of Report:** April 12, 2004

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This report contains the results of the self-assessment and the validation of the self-assessment by Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

**Promising Practice** The agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.

**Meets Requirements** The agency consistently meets this requirement.

**Needs Improvement** The agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.

**Out of Compliance** The agency consistently does not meet this requirement.

**Not applicable** In a small number of cases, the standard may not be applicable for your agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

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| <b>Principle 1 – General Supervision</b> |
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General supervision means the agency's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the agency, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

**Meets requirements**

The reviewer concluded agency procedures meet the requirements of child find. The agency has an effective pre-referral system as noted in the agency policy manual. There are no agency students enrolled in private schools. The goals and objectives for each student are aligned with the DakotAbilities agency curriculum which is in turn aligned with the South Dakota content standards or functional standards. The agency suspension and expulsion policies meet state and federal regulation. The agency has employed fully certified personnel for all professional positions.

### **Principle 2 – Free Appropriate Public Education**

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3<sup>rd</sup> birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

#### **Meets requirements**

The reviewer concluded the agency budget has set aside money to pay for occupational therapy, physical therapy, speech therapy, and transportation costs. Related services addressed in student individual education programs are provided. The agency comprehensive plan ensures that students who may be suspended or expelled are provided a free appropriate education.

### **Principle 3 – Appropriate Evaluation**

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

#### **Meets requirements**

The steering committee concluded a team of people make decisions regarding evaluation and eligibility. Evaluations are conducted in all areas of suspected disability and the South Dakota eligibility criteria are used as a basis for determining eligibility. Prior notice is obtained before evaluation/reevaluation and evaluation procedures, instruments and timelines meet minimum requirements.

#### **Out of Compliance**

**ARSD 24:05:30:05. Content of notice.** The notice must include the following:

(1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the district considered and the reasons why those options were rejected;

(2) A description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal;

(3) A description of any other factors which are relevant to the district's proposal or refusal;

(4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

(5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

Parents are notified on the prior notice of what evaluations will be done, and is it documented that they are given the opportunity to provide input to the evaluation process. However, there were evaluations listed on the prior notice that were not administered.

### **Needs Improvement**

**ARSD 24:05:25:04. Evaluation procedures.** School districts shall ensure, at a minimum, that evaluation procedures include the following:

(1) Tests and other evaluation materials are provided and administered in the child's native language or by another mode of communication that the child understands, unless it is clearly not feasible to do so. Any standardized tests that are given to a child:

(a) Have been validated for the specific purpose for which they are used; and

(b) Are administered by trained and knowledgeable personnel in conformance with the instructions provided by their producer;

(2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;

(3) Tests are selected and administered so as best to ensure that a test administered to a child with impaired sensory, manual, or speaking skills accurately reflects the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than the child's impaired sensory, manual, or speaking skills except where those skills are the factors which the test purports to measure;

(6) Technically sound instruments, assessment tools, and strategies are used that:

(a) May assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and

(b) Provide relevant information that directly assists persons in determining the educational needs of the child;

(10) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

Many forms, evaluations, checklists and skill-based procedures are used for functional evaluations completed at DakotAbilities, however, it is not specifically written in a functional evaluation report. Observations, rather than evaluations, are done by a certified speech/language pathologist.

**ARSD 24:05:25:03. Preplacement evaluation.** Before any action is taken concerning the initial placement of a child with disabilities in a special education program, a full and individual evaluation of the child's educational needs must be conducted in accordance with the requirements of this chapter. Evaluations must be completed within 25 school days after receipt by the district of signed parent consent to evaluate unless other timelines are agreed to by the school administration and the parents. Consent for initial evaluation may not be construed as consent for initial placement.

Evaluations are completed within the 25 day time period, however, they all have the same date (the date of the IHP meeting). Each evaluation report needs to have the date it was administered on it rather than the IHP meeting date. In interview it was stated that all report dates are listed as the meeting date. The reviewer could not verify that the timelines were met for the evaluations that were completed.

## **Principle 4 – Procedural Safeguards**

Parents of children with disabilities have certain rights available. The agency makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

### **Meets requirements**

The reviewer concluded that parents are informed of their parental rights. Parents have been informed of all relevant consent information in their native language. Parents have the opportunity to access and inspect applicable student records. The agency has procedures within the comprehensive plan which meet the requirements of surrogate parent appointments. The agency comprehensive plan has policies and procedures for responding to complaint and due process hearings.

### **Out of Compliance**

**ARSD 24:05:30:05. Content of notice.** The notice must include the following:

(1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the district considered and the reasons why those options were rejected;

(2) A description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal;

(3) A description of any other factors which are relevant to the district's proposal or refusal.

The prior notice has all the required content, however, the agency does not fill out each required section on it, specifically the three areas stated above. On the prior notices that the reviewer looked at, the areas listed above were left blank.

## **Principle 5 – Individualized Education Program**

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

### **Meets requirements**

The reviewer concluded that the IEP team requirements and other identified responsibilities are met in a satisfactory manner. Written notice is provided for all individual education program (IEP) meetings and the IEP includes all required content. Transition plans are developed as a coordinated set of activities based on the transition needs of the student. The IEP team and IEP content were the two areas that did not meet requirements.

### **Needs Improvement**

**ARSD 24:05:27:01.01. IEP team.** Each school district shall ensure that the IEP team for each student with disabilities include the following members:

- (1) The parents of the student;
- (2) At least one regular education teacher of the student if the student is, or may be, participating in the regular education environment;
- (3) At least one special education teacher of the student or, if appropriate, at least one special education provider of the student;
- (4) A representative of the school district who:
  - (a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
  - (b) Is knowledgeable about the general curriculum; and

(c) Is knowledgeable about the availability of resources of the school district;

Appropriate team membership is required for every IEP/IHP meeting. Files reviewed showed that a regular educator was not present at the IHP meetings.

### **Out of Compliance**

**ARSD 24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

(1) A statement of the student's present levels of educational performance, including:

(a) How the student's disability affects the student's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students)

Present levels of performance need to be specified as to what the student's strengths, weaknesses, areas/skills to be addressed, parent input and how the student's disability affects the student's involvement and progress in the general curriculum. Present levels of performance must be linked from the evaluations completed, and after being stated in the present levels of performance, are then used to write the goals and objectives. Transition must also be addressed as the students are above age 14. Examples of statements on the present level of performance included, "\_\_\_ has many strengths." Transition and areas to be addressed were not addressed. Parental input also needs to be included on this page.

## **Principle 6 – Least Restrictive Environment**

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

### **Meets Requirements**

The agency meets all requirements with respect to least restrictive environment. The reviewer toured the facility and observed the programs available. The students had access to all areas in the building. Placement for the students was appropriate for their needs at this facility.